

U.S. DEPARTMENT OF ENERGY

PRESIDENTIAL PERMIT PP-87
AUTHORIZING

BRADFIELD ELECTRIC, INC., AND THE ALASKA POWER AUTHORITY
TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN
ELECTRIC TRANSMISSION FACILITIES ACROSS
THE INTERNATIONAL BORDER BETWEEN
THE UNITED STATES AND CANADA

BACKGROUND

On June 3, 1988, Bradfield Electric, Inc. (Bradfield), and the Alaska Power Authority (APA) filed an application with the Economic Regulatory Administration (ERA)¹ of the Department of Energy (DOE) for a Presidential permit pursuant to Executive Order No. 10485, as amended by Executive Order No. 12038. The applicants requested authority to construct, connect, operate, and maintain a 69-kilovolt (kv) transmission line which would extend approximately 24.5 miles from the APA's Tyee Lake Hydroelectric Power Project located near Wrangell, Alaska, to a point on the U.S.-Canadian international border just east of the South Fork Craig River. The purpose of the transmission line is to deliver surplus hydroelectric power from the APA's Tyee Lake Hydroelectric Power Project to one existing and one

1. On January 6, 1989, the authority to issue Presidential permits was transferred from the Economic Regulatory Administration, to the Assistant Secretary for Fossil Energy. DOE Delegation Order No. 0204-127 specifies the transferred functions (54 FR 11436, March 20, 1989).

proposed mine in British Columbia. The combined maximum level of electric power to be purchased by both mines is projected to be 5 megawatts (MW).

The DOE has reviewed an Environmental Assessment (EA) published on April 5, 1988, by the U.S. Forest Service (USFS). The USFS prepared this EA in connection with its issuance of a special use permit to construct the proposed line through a National Forest. The DOE, after staff review and analysis of the USFS' EA, determined that the EA adequately addressed the environmental effects of Bradfield's and APA's proposal. On December 22, 1988, the DOE adopted this EA and determined that the issuance of this permit would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq. This determination is supported by a Finding of No Significant Impact issued on December 22, 1988, by the Assistant Secretary for Environment, Safety and Health.

After review and evaluation of the information submitted by the applicant, the Assistant Secretary, Fossil Energy, concluded on March 10, 1989, that the operation of the proposed transmission line would not impair the reliability of the electric power supply system in the U.S. Details of this determination have been made part of the permanent docket file.

The Department of State by letter dated April 12, 1989, and the Department of Defense by letter dated March 31, 1989, have

recommended that the Presidential permit be granted. Upon consideration of this matter, the Assistant Secretary, Fossil Energy, finds that the issuance of the Presidential permit, as provided hereafter, is appropriate and consistent with the public interest.

AUTHORIZATION

Pursuant to the provisions of Executive Order No. 10485, as amended by Executive Order No. 12038, and the Rules and Regulations thereunder (Title 10, Code of Federal Regulations, Section 205.320 et seq.), permission hereby is granted to Bradfield Electric, Inc., and the Alaska Power Authority to construct, connect, operate, and maintain at the international border of the United States and Canada, one 69-kV, alternating current (AC) transmission line as further described in Article 2 below, upon the following conditions:

Article 1. The facilities herein described shall be subject to all conditions, provisions and requirements of this permit. This permit may be modified or revoked by the President of the United States without notice, or by the DOE after public notice, and may be amended by the DOE upon proper application thereto.

Article 2. The facilities covered by and subject to this permit shall include the following facilities, and all supporting structures within the right-of-way occupied by such facilities:

One 69-kV, 60-hertz, 3-phase, 3-wire, AC transmission line extending approximately 24.5 miles from the Tyee Lake Hydroelectric Power Project located near Wrangell, Alaska, to the U.S.-Canadian international border just east of the South Fork Craig River. The subject facilities shall be constructed using a steel reinforced aluminum conductor sized at 336,400 circular mils. These facilities are more specifically shown and described in the application filed by the applicant on June 3, 1988.

Article 3. The facilities covered by this permit shall be designed, constructed, and operated consistent with the guidelines of the Rural Electrification Administration and the National Electric Safety Code. The subject facilities also are to be operated only in the export mode and at power levels of no more than 5 MW and consistent with the terms of the Four Dam Pool Agreement made among the City of Petersburg, Alaska, the Copper Valley Electric Association, the Kodiak Electric Association, Ketchikan Public Utilities, and the Alaska Power Authority.

Article 4. No change shall be made in the facilities covered by this permit or in the authorized operation of these facilities unless such change shall have been approved by the DOE.

Article 5. Bradfield and APA or their agent(s) shall at all times maintain the facilities covered by this permit in a satisfactory condition such that all requirements of the National Electric Safety Code in effect at the time of construction are fully met.

Article 6. The operation and maintenance of the facilities covered by this permit shall be subject to the inspection and approval of a properly designated representative of the DOE, who shall be an authorized representative of the United States for such purposes. Bradfield and APA shall allow officers or employees of the United States with written authorization free and unrestricted access into, through and across any lands occupied by these facilities in the performance of their duties.

Article 7. Bradfield and APA shall investigate any complaints from nearby residents of radio or television interference identifiably caused by the operation of the facilities covered by this permit. Bradfield and APA shall take appropriate action as necessary to mitigate such situations. Complaints from individuals residing within one-half mile of the center of the transmission circuit are the only ones which must be resolved. Bradfield and APA shall maintain written records of all complaints received and of the corrective actions taken.

Article 8. The United States shall not be responsible or liable: for damages to or loss of the property of, or injuries to, persons; for damages to, or loss of the facilities covered by this permit; or for damages to, or loss of the property of, or injuries to the person of Bradfield or APA officers, agents, servants or employees, or of others who may be on said premises; any of which may arise from or be incident to the exercise of the privileges granted herein; and Bradfield and APA shall hold the United States harmless from any and all such claims.

Article 9. Bradfield and APA shall arrange for the installation and maintenance of appropriate metering equipment to record permanently the hourly flow of all electric energy transmitted between the United States and Canada over the facilities authorized herein. Bradfield and APA shall prepare, maintain and preserve complete and accurate records concerning the transfer of such electric energy; and shall furnish the DOE an annual report detailing the transmission of such electric energy, as follows: (1) the gross amount of kilowatt-hours of electric energy received or delivered; (2) the maximum hourly rate of transmission in kilowatts; and (3) the consideration paid or received for such energy during each month of the preceding calendar year.

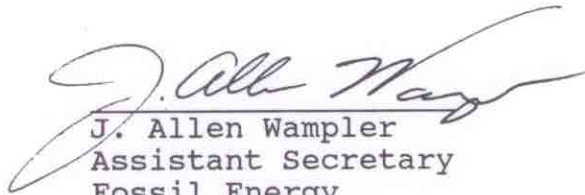
Article 10. Neither this permit nor the facilities covered by this permit, or any part thereof, shall be transferable or assignable, except in the event of the involuntary transfer of the facilities by the operation of law. In the case of such an involuntary transfer, this permit shall continue in effect for a period of 60 days and then shall terminate unless an application for a new permit pursuant to Title 10, Code of Federal Regulations, Section 205.323, has been received by the DOE. Upon receipt by the DOE of such an application, this existing permit shall continue in effect pending a decision on the new application. During this decision period, the facilities authorized herein shall remain substantially the same as before the transfer.

Article 11. Upon the termination, revocation, or surrender of this permit, the 69-kV AC transmission line, which is owned, operated, and maintained by Bradfield and APA and described in Article 2 of this permit, shall be removed within such time as DOE may specify and at the expense of Bradfield and APA. If Bradfield and/or APA fail to remove such facilities or any portion thereof authorized by this permit, the DOE may direct that such actions be taken for the removal of the facilities or the restoration of the land associated with the facilities at the expense of Bradfield and APA. Bradfield and APA shall have no claim for damages by reason of such possession, removal, or repair. However, upon a showing by the relevant owner that certain facilities authorized herein, such as

portions of its rights-of-way or the transmission line within the United States, are useful to other utility operations within the boundaries of the United States, the DOE will not require that those facilities be removed and the land restored to its original condition upon termination of the international interconnection.

Article 12. This permit shall be valid upon receipt by the DOE of the Testimony of Acceptance properly executed.

In witness whereof, I, J. Allen Wampler, Assistant Secretary, Fossil Energy, hereunto sign my name, this ~~4~~ day of May 1989, in the city of Washington, District of Columbia.


J. Allen Wampler
Assistant Secretary
Fossil Energy